

Exhibit 4

filed 07/23/19
 Andrea S. Thompson
 District Clerk
 Collin County, Texas
 By Tina Chandler Deputy
 Envelope ID: 1680697

NO. 380-01407-2013

**COMMISSION FOR
LAWYER DISCIPLINE**

V.

TY ODELL CLEVINGER

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§

IN THE DISTRICT COURT OF

COLLIN COUNTY, TEXAS

380th JUDICIAL DISTRICT

SECOND AMENDED DISCIPLINARY PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (“Petitioner”), complains of Respondent, Ty Odell Clevenger (“Respondent”), State Bar No. **24034380** showing the Court:

I.

Pursuant to Rules 190.1 and 190.3, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

II.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov’t. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of the Disciplinary Petition was filed on or after January 1, 2004.

III.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Collin County, Texas, specifically at 1095 Meadow Hill Drive, Lavon, Texas 75166. Petitioner requests that the clerk issue citation and return it to the State Bar of Texas, The Princeton, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254. Petitioner will employ private process service to serve Respondent.

IV.

On May 18, 2009, Respondent filed a lawsuit in the United States District Court for the Western District of Texas in Waco, Texas (“*Erwin I*”), on his clients’ behalf alleging, among other things, racketeering and conspiracy claims in violation of the Racketeer Influenced and Corrupt Organizations Act (“RICO”). On June 17, 2009, Respondent filed another lawsuit in the United States District Court for the Southern District of Texas in Houston, Texas (“*Erwin II*”), on his clients’ behalf which raised claims alleging RICO violations similar to the *Erwin I* case. Respondent did not dispose of *Erwin I* before filing *Erwin II*. The two cases were consolidated and *Erwin II* was transferred to the United States District Court for the Western District of Texas in Waco, Texas.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraph IV hereinabove, which occurred on or after January 1, 1990, constitute conduct that violates Rule 3.02 of the Texas Disciplinary Rules of Professional Conduct.

VI.

The complaint that forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Bryan F. Russ III filing a complaint on or about July 16, 2012.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including direct expenses, costs of court, and reasonable attorneys' fees and legal assistant fees.

Respectfully submitted,

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